

REMARKS

The Examiner is thanked for his Office Action. The Examiner is particularly thanked for noting the typographic error in the Abstract; this has been corrected.

Claims 1-24 were originally filed and currently pending in the present application. Each claim was rejected, and all rejections are traversed.

Reconsideration of the claims is respectfully requested.

CLAIM REJECTIONS -- 35 U.S.C. § 102

The Examiner has rejected Claims 1-24 under 35 U.S.C. §102(e) as being anticipated by U. S. Publication No. 2004/0068721 to *O'Neil et al.* (hereinafter "O'Neill").

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131, p. 2100-76 (8th ed., rev. 4, October 2005) (*citing In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. *Id.* (*citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)).

Claim 1 requires a wireless communication device comprising, among other limitations, a first CPU and a second CPU, each with specific capabilities.. This is not taught or suggested by O'Neill. O'Neill's primary description of its "wireless communication device" is in paragraph 0032:

[0032] FIG. 2 is a system diagram of a wireless communication device 209 in accordance with an embodiment of the invention. The wireless communication device 209 comprises a primary update environment 215, a non-volatile memory 217, and a volatile memory 225. The primary update environment 215 comprises a download agent 219, an update agent 221, an upload agent 223, and a transport protocol module 227. The download agent 219 facilitates the download and incorporation of software from a distribution environment while the upload agent 223 uploads software or a subset of software resident in the wireless communication device 209, such as one or more software modules resident in non-volatile memory 217 of the wireless communication device 209, to accommodate incorporation of one or more software updates from the distribution environment. In one embodiment, the upload agent 223 uploads software from the non-volatile or volatile memories 217, 225 of one or more wireless communication devices 209 into one or more storage devices in the distribution environment. In this example, the distribution environment may generate appropriate software updates by processing the uploaded software to generate one or more suitable software updates for the one or more wireless communication devices 209. After processing is completed, the distribution environment may subsequently download the one or more software updates back into the one or more wireless communication devices 209. In addition to being able to initiate a software update, it is contemplated that the wireless communication device 209 may be able to automatically initiate an update of any application, driver, and other necessary software required for proper operation of the wireless communication device 209. The non-volatile and volatile memories 217, 225 function to store and run one or more software programs for operation of the wireless communication device 209. The download, update, and upload agents 219, 221, 223 and transport protocol module 227 may comprise hardware and/or software configured to perform the previously described processes or operations. In one embodiment, the wireless communication device 209 incorporates a user interface in which a user inputs requests for software updates. The user interface may comprise a keypad, LCD touch screen, voice recognition system, or the like. It is contemplated that the user may input one or more parameters that specifies or automates the process of downloading a particular software update.

As can be seen, there is no explicit teaching of a CPU or other processor at all, although it is of course reasonable to assume that a processor must be present to perform the tasks described. O'Neill does not teach or suggest a first CPU capable of controlling wireless communications with a wireless network, having a first memory associated with it. O'Neill does not teach or suggest a second CPU capable of executing an end-user application on the wireless communication device, and a second memory associated with it. O'Neill certainly does not teach or suggest that the first CPU downloads a software upgrade file from a wireless network and stores the downloaded software upgrade file in the second memory.

O'Neill therefore does not teach or suggest the limitations of independent claim 1, or similar limitations of independent claim 13. All rejections are therefore traversed.

Further, as O'Neill does not teach or suggest multiple processors, it does not teach or suggest an interprocessor communication unit as in claims 4 and 7.

O'Neill further does not teach or suggest the specific code replacement as claimed, e.g., in claims 2 and 9.

Accordingly, the Applicant respectfully requests the Examiner to withdraw the § 102 rejection with respect to all claims.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckbutrus.com*.

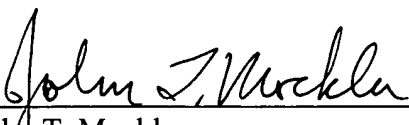
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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